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Representing the United States of America

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Anthony Delano Hylton, Jr.,

Defendant.

Case No. 2:17-cr-86-HDM-NJK

Stipulation to Continue  
Evidentiary Hearing  
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and CHAD W. MCHENRY, Assistant United States Attorneys, counsel for the United States of America and BRENDA WEKSLER, Assistant Federal Public Defender and counsel for defendant HYLTON:

THAT THE EVIDENTIARY HEARING CURRENTLY SCHEDULED FOR Monday, September 17, 2018, be vacated and set to a time convenient for the Court, but no sooner than Wednesday, September 19, 2018<sup>1</sup>.

<sup>1</sup> The parties and essential witnesses would be available on Wednesday, September 19, 2018.

1 In support of their stipulation, the parties state as follows:

2 1. On September 11, 2018, the Court issued a minute order setting an  
3 evidentiary hearing in the above-captioned matter for Monday, September 17, 2018,  
4 at 11:00 a.m.

5 2. Upon receiving the order, counsel for the Government began contacting  
6 anticipated witnesses at the hearing to inquire as to their availability.

7 3. Officer Brennan Childers of the Las Vegas Metropolitan Police  
8 Department, an essential witness for the Government at the hearing, indicated that  
9 he had a previously-scheduled vacation out of the District that conflicted with the  
10 hearing set on September 17. Arrangements for that vacation included already-  
11 purchased tickets to a sporting event and hotel reservations.

12 4. This proposed continuance would not impact the current trial setting of  
13 Monday, December 3, at 9:00 a.m. The time period prior to that date has previously  
14 been excluded under the Speedy Trial Act pursuant to the Court's order continuing  
15 the trial setting issued on September 6, 2018. ECF No. 127.

16 5. The additional time requested by this Stipulation is also excludable in  
17 computing the time within which the trial herein must commence pursuant to the  
18 Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D).  
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1           6.       This is the first request for a continuance of the evidentiary hearing,  
2 and the request is being made in good faith and not for purposes of delay.

3  
4           DATED this 11th day of September, 2018.

5  
6           Presented by:

Agreed:

7           DAYLE ELIESON  
8           United States Attorney

9           / s / Chad McHenry

/ s / Brenda Weksler

10          \_\_\_\_\_  
11          CHAD W. MCHENRY  
12          Assistant United States Attorney

\_\_\_\_\_  
BREND A WEKSLER  
Assistant Federal Public Defender  
Counsel for Defendant Hylton

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 United States of America,

5 Plaintiff,

6 v.

7 Anthony Delano Hylton, Jr.,

8 Defendant.  
9

Case No. 2:17-cr-86-HDM-NJK

Findings of Fact, Conclusions of  
Law and Order re: Stipulation to  
Continue Trial (Second Request)

10  
11 FINDINGS OF FACT

12 Based on the pending Stipulation of counsel, and good cause appearing  
13 therefore, the Court finds that:

14 1. On September 11, 2018, the Court issued a minute order setting an  
15 evidentiary hearing in the above-captioned matter for Monday, September 17, 2018,  
16 at 11:00 a.m.

17 2. Upon receiving the order, counsel for the Government began contacting  
18 anticipated witnesses at the hearing to inquire as to their availability.

19 3. Officer Brennan Childers of the Las Vegas Metropolitan Police  
20 Department, an essential witness for the Government at the hearing, indicated that  
21 he had a previously-scheduled vacation out of the District that conflicted with the  
22 hearing set on September 17. Arrangements for that vacation included already-  
23 purchased tickets to a sporting event and hotel reservations.

1           4.       This proposed continuance would not impact the current trial setting of  
2 Monday, December 3, at 9:00 a.m. The time period prior to that date has previously  
3 been excluded under the Speedy Trial Act pursuant to the Court's order continuing  
4 the trial setting issued on September 6, 2018. ECF No. 127.

5           5.       The additional time requested by this Stipulation is also excludable in  
6 computing the time within which the trial herein must commence pursuant to the  
7 Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D).

8           6.       This is the first request for a continuance of the evidentiary hearing,  
9 and the request is being made in good faith and not for purposes of delay.

10                               CONCLUSIONS OF LAW

11           The continuance sought herein would and will occur during a period that had  
12 previously been excluded by the Court under the Speedy Trial Act, 18 U.S.C.  
13 § 3161(h)(7)(A). See ECF Nos. 116, 122, 127. Furthermore, the additional time  
14 sought by this continuance would also be excludable in computing the time within  
15 which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
16 § 3161(h)(1)(D).

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DATED this 12<sup>th</sup> day of September, 2018.

HON. NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE